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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/582,225	06/08/2006	Kazuyuki Kashiwabara	2006-0907A	2854
52349	7590	04/15/2010		
WENDEROTH, LIND & PONACK LLP. 1030 15th Street, N.W. Suite 400 East Washington, DC 20005-1503				
			EXAMINER	
			HERRERA, DIEGO D	
			ART UNIT	PAPER NUMBER
			2617	
NOTIFICATION DATE	DELIVERY MODE			
04/15/2010	ELECTRONIC			

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

ddalecki@wenderoth.com  
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<b>Office Action Summary</b>	<b>Application No.</b> 10/582,225	<b>Applicant(s)</b> KASHIWABARA, KAZUYUKI
	<b>Examiner</b> DIEGO HERRERA	<b>Art Unit</b> 2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If no period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED. (35 U.S.C. § 133).

Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 13 January 2010.

2a) This action is FINAL.      2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-12 is/are pending in the application.

4a) Of the above claim(s) 11 is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1-10, 12 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All    b) Some \* c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) Notice of References Cited (PTO-892)  
2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_

4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_

5) Notice of Informal Patent Application  
6) Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Response to Amendment***

Claims 1-10 and 12 have been amended.

### ***Response to Arguments***

Applicant's arguments filed 01/13/2010 have been fully considered but they are not persuasive. Applicant's representatives arguments: wherein the a presentation of the personal information of the first communication terminal to a second communication terminal is permitted, is taught by the combination if not so by the reference of Deeds wherein the reference further explains a lock message is generated based on the content selection, this lock mechanism attached to the message is equated to that of the limitation of having permission or not to the content of the personal information. The other argument that is made is that the message is not sent form a communication terminal, nevertheless, the figure 1 in Deeds shows the elements of communication terminals of different sort that read on the language of the limitation, there is 12b, 14, and 18 that send the message to the mobile wireless device 12a, furthermore, ¶: 16-18.

The ability to block and/or show permitted information such caller identifier and telephone number ¶: 37, and 44 and fig. 3a-b further illuminate the tables and information content that is blocked by lock in message as taught by the reference of Deeds.

In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208

USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

The claims are broad and recite elements that the combination of references presented of Deeds, Demsky et al., and Emerson describe and teach.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

**Claims 1-7, and 9-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Deeds et al. (US 20030120500 A1), and in view of Demsky et al. (US 7107317 B2).**

**Regarding claim 1.** Deeds et al. discloses a communication terminal for communicating with a first communication terminal via telephone or electronic mail (abstract, title, ¶: 5-8, 18-20, 24-34, Deeds et al. teaches mobile terminal sending information that has restriction or locking content to be delivered on another device), the

communication terminal comprising:

a communication section receiving, from a first communication terminal, (i) personal information of the first communication terminal, the personal information of the first communication terminal including at least a telephone number or an electronic mail address of the first communication terminal (title, fig. 4a, abstract, ¶: 5-8, 18-20, 24-34, Deeds et al. teaches setting expiration time as an incentive for a reward, including contact information, and profile id; hence, a communication device receiving and displaying information from another device).

However, Deeds et al. does not discloses (ii) a presentation attribute that indicates whether a presentation of the personal information of the first communication terminal to a second communication terminal is permitted; nonetheless, Demsky et al. teaches displaying information allowing or permitting users to view restricted data by means of data designator related to data category (fig. 2, 3, col. 7 lines: 1-41, Demsky et al. teaches displaying whether it is permitted to view restricted information or content to be retrieved). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to specifically include by attribute presentation means indication of users permission status, as taught by Demsky et al. for the purposes of, or motivation to, control the dissemination of information of information keeping particular items private relevant to their sensitivity of privacy or displayed to the correct group or viewers or viewer (abstract).

a personal information storage section storing the personal information of the first communication terminal and the presentation attribute acquired from the first

communication terminal and received by the communication section (fig. 1-3b, abstract, title, ¶: 36-46, 49-55, Deeds et al. teaches use of personal information storage means and presenting type);

However, Deeds et al. does not specifically discloses a personal information determination section determining, based on the presentation attribute, whether the presentation of the personal information of the first communication terminal stored in the personal information storage section to the second communication terminal is permitted, nonetheless, Demsky et al. teaches displaying information allowing or permitting users to view restricted data by means of data designator related to data category (fig. 2, 3, col. 7 lines: 1-41, Demsky et al. teaches displaying whether it is permitted to view restricted information or content to be retrieved). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to specifically include by attribute presentation means indication of users permission status, as taught by Demsky et al. for the purposes of, or motivation to, control the dissemination of information of information keeping particular items private relevant to their sensitivity of privacy or displayed to the correct group or viewers or viewer (abstract).

a personal information presentation section presenting (title, fig. 4a, abstract, ¶: 5-8, 18-20, 24-34, Deeds et al. teaches setting expiration time as an incentive for a reward, including contact information, and profile id), to the second communication terminal via the communication section.

However, Deeds et al. does not discloses a personal information presentation section presenting, to the second communication terminal via the communication section, only

personal information of the first communication terminal that has been determined by the personal information determination section to be permitted to be presented to the second communication terminal, the personal information presented to the second communication terminal having been acquired from the first communication terminal; nonetheless, Demsky et al. teaches displaying information, allowing or permitting users to view restricted data by means of data designator related to data category (fig. 2, 3, col. 7 lines: 1-41, Demsky et al. teaches displaying whether it is permitted to view restricted information or content to be retrieved). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to specifically include by attribute presentation means indication of users permission status, as taught by Demsky et al. for the purposes of, or motivation to, control the dissemination of information of information keeping particular items private relevant to their sensitivity of privacy or displayed to the correct group or viewers or viewer (abstract).

**Regarding claim 10.** Deeds et al. discloses a method for placing restrictions on a disclosure of information employed by a communication terminal which communicates with a first communication terminal via telephone or electronic mail (abstract, title, ¶: 5-8, 18-20, 24-34, Deeds et al. teaches mobile terminal sending information that has restriction or locking content to be delivered on another device), the method comprising the steps of:

receiving, from the first communication terminal, (i) personal information of the first communication terminal, the personal information of the first communication terminal including at least a telephone number of the first communication terminal or electronic

mail address of the first communication terminal (title, fig. 4a, abstract, ¶: 5-8, 18-20, 24-34, Deeds et al. teaches setting expiration time as an incentive for a reward, including contact information, and profile id); and However, Deeds et al. does not discloses (ii) a presentation attribute that indicates whether a presentation of the personal information of the first communication terminal to a second communication terminal is permitted; nonetheless, Demsky et al. teaches displaying information, allowing or permitting users to view restricted data by means of data designator related to data category (fig. 2, 3, col. 7 lines: 1-41, Demsky et al. teaches displaying whether it is permitted to view restricted information or content to be retrieved). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to specifically include by attribute presentation means indication of users permission status, as taught by Demsky et al. for the purposes of, or motivation to, control the dissemination of information of information keeping particular items private relevant to their sensitivity of privacy or displayed to the correct group or viewers or viewer (abstract).

storing the received personal information of the first communication terminal and the presentation attribute acquired from the first communication terminal (¶: 43-44, Deeds et al. teaches storing means for personal information and suitable format); However, Deeds et al. does not discloses determining, based on the presentation attribute, whether the presentation of the stored personal information of the first communication terminal to the second communication terminal is permitted; nonetheless, Demsky et al. teaches displaying information, allowing or permitting users

to view restricted data by means of data designator related to data category (fig. 2, 3, col. 7 lines: 1-41, Demsky et al. teaches displaying whether it is permitted to view restricted information or content to be retrieved). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to specifically include by attribute presentation means indication of users permission status, as taught by Demsky et al. for the purposes of, or motivation to, control the dissemination of information of information keeping particular items private relevant to their sensitivity of privacy or displayed to the correct group or viewers or viewer (abstract).  
presenting to the second communication terminal only personal information of the first communication terminal that has been determined in the determining step to be permitted to be presented to the second communication terminal (fig. 2-3b, abstract, title, ¶: 28-34, 43-46, Deeds et al. teaches forwarding information).

**Regarding claim 12.** Deeds et al. discloses a computer-readable recording medium having recorded thereon a program to be executed by a communication terminal that communicates with a first communication terminal via telephone or electronic mail (abstract, title, ¶: 5-8, 18-20, 24-34, Deeds et al. teaches mobile terminal sending information that has restriction or locking content to be delivered on another device), the program causing a computer to execute a method comprising:  
receiving, from the first communication terminal, (i) personal information of the first communication terminal, the personal information of the first communication terminal including at least a telephone number of the first communication terminal or an electronic mail address of the first communication terminal (title, fig. 4a, abstract, ¶: 5-8,

18-20, 24-34, Deeds et al. teaches setting expiration time as an incentive for a reward, including contact information, and profile id).

However, Deeds et al. does not discloses (ii) a presentation attribute (abstract, fig. 1-4, Deeds teaches attributes) that indicates whether a presentation of the personal information of the first communication terminal to a second communication terminal is permitted; nonetheless, Demsky et al. teaches displaying information, allowing or permitting users to view restricted data by means of data designator related to data category (fig. 2, 3, col. 7 lines: 1-41, Demsky et al. teaches displaying whether it is permitted to view restricted information or content to be retrieved). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to specifically include by attribute presentation means indication of users permission status, as taught by Demsky et al. for the purposes of, or motivation to, control the dissemination of information of information keeping particular items private relevant to their sensitivity of privacy or displayed to the correct group or viewers or viewer (abstract).

storing the received personal information of the first communication terminal and the presentation attribute acquired from the first communication terminal (¶: 43-44, Deeds et al. teaches storing means for personal information and suitable format);

However, Deeds et al. does not discloses determining, based on the presentation attribute, whether the presentation of the stored personal information of the first communication terminal to the second communication terminal is permitted (abstract, title, fig. 1-4, Deeds teaches lock message and corresponding requirements and stored

information); nonetheless, Demsky et al. teaches displaying information, allowing or permitting users to view restricted data by means of data designator related to data category (fig. 2, 3, col. 7 lines: 1-41, Demsky et al. teaches displaying whether it is permitted to view restricted information or content to be retrieved). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to specifically include by attribute presentation means indication of users permission status, as taught by Demsky et al. for the purposes of, or motivation to, control the dissemination of information of information keeping particular items private relevant to their sensitivity of privacy or displayed to the correct group or viewers or viewer (abstract).

presenting, to the second communication terminal, only personal information of the first communication terminal that has been determined in the determining step to be permitted to be presented to the second communication terminal (fig. 2-3b, abstract, title, ¶: 28-34, 43-46, Deeds et al. teaches forwarding information).

**Consider claim 2.** The communication terminal according to claim 1, wherein the communication section includes a display section operable to display the telephone number or the electronic mail address (¶:18-20, Deeds teaches mobile device and communication devices which have display sections, ¶: 26-27, Deeds teaches locking messages from displaying sensitive information),

wherein the communication section places a telephone call or transmits an electronic mail to at least the first communication terminal (¶: 35-38, Deeds teaches information been that of telephone number),

wherein, when the presentation attribute acquired from the first communication terminal indicates that the presentation is permitted (col. 6 lines: 53—col. 7 lines: 5, 42-50, Demsky et al. teaches displaying whether it is permitted to view restricted information or content to be retrieved by content rules to the content of the data items), the personal information determination section allows the display section of the communication terminal to display the telephone number or the electronic mail address when the communication section places the telephone call or transmits the electronic mail by using the telephone number or the electronic mail address included in the personal information of the first communication terminal stored in the personal information storage section (col. 6 lines: 53—col. 7 lines: 5, 42-50, Demsky et al. teaches displaying whether it is permitted to view restricted information or content to be retrieved by content rules to the content of the data items), and wherein, when the presentation attribute acquired from the first communication terminal indicates that the presentation is not permitted (fig. 3a-4c, ¶:33-34, Deeds teaches forward and not forward messages when locked and unlocked messages are set in preferences set by first terminal to be read by second terminal), the personal information determination section prevents the display section of the communication terminal from displaying the telephone number or the electronic mail address when the communication section places the telephone call or transmits the electronic mail by using the telephone number or the electronic mail address included in the personal information of the first communication terminal stored in the personal information storage section (col. 6 lines: 53—col. 7 lines: 5, 42-50, Demsky et al. teaches displaying

whether it is permitted to view restricted information or content to be retrieved by content rules to the content of the data items).

**Consider claim 3.** The communication terminal according to claim 1, wherein, the personal information storage section stores a presentation attribute of own personal information that has been passed to another communication terminal (fig. 1-3b, abstract, title, Deeds et al. teaches information being displayed and personalized (i.e. mom, nick) and settings have been locked-in and set for a predetermined timed of use), and when the personal information of the first communication terminal is displayed, the presentation attribute of the own personal information that has been passed to the first communication terminal is displayed together (fig. 1-3b, abstract, title, Deeds et al. teaches information being displayed and personalized (i.e. mom, nick) and settings have been locked-in and set for a predetermined timed of use and forward indicator is shown) with the personal information of the first communication terminal.

**Consider claim 4.** The communication terminal according to claim 3, wherein, the own personal information includes an expiration time of the own personal information (¶: 5-8, Deeds et al. teaches expiry time or period of time for information to be used or unlocked), and the communication terminal further comprises a personal information update section that (i) checks whether the expiration time of the own personal information that has been passed to the first communication terminal has expired (title, abstract, fig. 4a, ¶: 49-55, Deeds et al. teaches receiving information about restrictions and expiry period and lock information or content that has restriction parameters), and (ii) notifies a user of the communication terminal that the expiration time of the own

personal information that has been passed to the first communication terminal has expired (title, abstract, fig. 4a, ¶: 49-55, Deeds et al. teaches receiving information about restrictions and expiry period and lock information or content that has restriction parameters).

**Consider claim 5.** The communication terminal according to claim 1, wherein, the personal information acquired from the first communication terminal includes an expiration time of the personal information of the first communication terminal (title, fig. 4a, abstract, ¶: 5-8, 18-20, 24-34, Deeds et al. teaches setting expiration time as an incentive for a reward, including contact information, and profile id), and the communication terminal further comprises a personal information update section placing restrictions on placing a telephone call or transmitting an electronic mail by using the personal information of the first communication terminal acquired from the first communication terminal if the expiration time of the personal information has expired (title, abstract, fig. 4a, ¶: 49-55, Deeds et al. teaches receiving information about restrictions and expiry period and lock information or content that has restriction parameters).

**Consider claim 6.** The communication terminal according to claim 5, wherein the personal information update section is operable to notify a user of the communication terminal that the expiration time of the personal information of the first communication terminal acquired from the first communication terminal has expired and resulted in restrictions being placed on the personal information of the first communication terminal (title, abstract, fig. 4a, ¶: 49-55, Deeds et al. teaches receiving information about

restrictions and expiry period and lock information or content, hence, when the expiry is met the receiving party will know that the message locked has expired and first restriction to the message in placed).

**Consider claim 7.** The communication terminal according to claim 5, wherein the personal information update section deletes (col. 2 lines: 20-24, 63--col. 3 lines: 5, Demsky et al. teaches dynamic interaction between two different classes of user, hence, it is assumed that deletion or rearrangement of class association of user would change and therefore also the information displayed before them hence the deletion of messages or information), from the personal information storage section, personal information of the first communication terminal having an expired expiration time (title, abstract, fig. 4a, ¶: 49-55, Deeds et al. teaches receiving information about restrictions and expiry period and lock information or content, hence, when the expiry is met the receiving party will know that the message locked has expired and first restriction to the message in placed).

**Consider claim 9.** The communication terminal according to claim 1, wherein the communication section transmits or receives the personal information of the first communication terminal and the presentation attribute by utilizing a radio communication network through which a telephone conversation is carried out or an electronic mail is transmitted or received (fig. 3, col. 5 lines: 61—col. 6 lines: 21, Demsky et al. teaches wireless communication network wherein the restricted information and data is sent and received by first mobile terminals granted permission by users input to restrict certain information as can be seen).

**Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Deeds et al. (US 20030120500 A1), Demsky et al. (US 7107317 B2), and in view of Emerson, III (US 20030043974 A1).**

Consider claim 8. The communication terminal according to claim 1, However, the combination of Deeds et al. and Demsky et al. do not disclose wherein the communication section transmits or receives the personal information of the first communication terminal and the presentation attribute by utilizing short-distance radio communication, without employing a radio communication network through which a telephone conversation is carried out or an electronic mail is transmitted or received, however, Emerson teaches short range communication via Bluetooth (¶: 46, Emerson teaches Bluetooth capabilities to transmit identity or contact personal information, hence, short-distance radio communication bypassing radio communication network). One skilled in the art would be motivated to use Bluetooth and first means of short-range communication means in order to have a more efficient and better use of network resources.

**Examiner's note:** Examiner has cited particular columns and line numbers and/or paragraphs in the references as applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings of the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses to fully consider the reference in entirety as potentially teachings all or part of

the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner.

***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DIEGO HERRERA whose telephone number is (571)272-0907. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lester Kincaid can be reached on (571) 272-7922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Diego Herrera/  
Examiner, Art Unit 2617

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